

INTERNATIONAL SEARCH REPORT

Internal Application No  
PCT/IB 02/00853

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 A61K31/337 A61P35/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, BIOSIS, EMBASE, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	GELMON KA ET AL.: "Phase I Dose-Finding Study of a New Taxane, RPR 109881A, Administered as a One-Hour Intravenous Infusion Days 1 and 8 to Patients With Advanced Solid Tumors" JOURNAL OF CLINICAL ONCOLOGY, vol. 18, no. 24, 15 December 2000 (2000-12-15), pages 4098-4108, XP008010641	1
Y	page 4105, right-hand column, paragraph 2 page 4098 -page 4099, left-hand column, paragraph 3 page 4104, right-hand column, paragraph 2 figure 1 --- -/--	2-19

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*G\* document member of the same patent family

Date of the actual completion of the international search

7 March 2003

Date of mailing of the international search report

11/04/2003

Name and mailing address of the ISA

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	<p>KURATA T ET AL.: "Phase I and Pharmacokinetic Study of a New Taxoid, RPR 109881A, Given as a 1-Hour Intravenous Infusion in Patients With Advanced Solid Tumors"</p> <p>JOURNAL OF CLINICAL ONCOLOGY, vol. 18, no. 17, September 2000 (2000-09), pages 3164-3171, XP008010639 abstract            page 3164 -page 3165, paragraph 1            page 3169 -page 3170</p>	1-19
Y	<p>LOPES N M ET AL: "ASSESSMENT OF MICROTUBULE STABILIZERS BY SEMIAUTOMATED IN VITRO MICROTUBULE PROTEIN POLYMERIZATION AND MITOTIC BLOCK ASSAYS" CANCER CHEMOTHERAPY AND PHARMACOLOGY, SPRINGER VERLAG, BERLIN, DE, vol. 41, no. 1, 1997, pages 37-47, XP000869505            ISSN: 0344-5704            abstract            page 37, right-hand column -page 38, left-hand column            see PNU-100940            figure 1            figure 5B            table 1</p>	1-19
Y	<p>WO 94 10995 A (BISSERY MARIE CHRISTINE ;RHONE POULENC RORER SA (FR))            26 May 1994 (1994-05-26)            cited in the application            the whole document</p>	1-19
Y	<p>EP 0 827 745 A (RHONE POULENC RORER SA)            11 March 1998 (1998-03-11)            cited in the application            the whole document</p>	1-19
Y	<p>EP 0 982 028 A (RHONE POULENC RORER SA)            1 March 2000 (2000-03-01)            claims 5-7</p>	1-19
A	<p>JOHNSON R A ET AL: "TAXOL CHEMISTRY. 7-O-TRIFLATES AS PRECURSORS TO OLEFINS AND CYCLOPROPANES" TETRAHEDRON LETTERS, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL, vol. 35, no. 43, 1994, pages 7893-7896, XP000995197            ISSN: 0040-4039            the whole document</p>	1-19
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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	BUDAVARI S ET AL.: "The Merck Index, 13th edition" 2001, MERCK RESEARCH LABORATORIES, WHITEHOUSE STATION, NJ, USA XP002220996 Docetaxel page 597 -page 598 Paclitaxel page 1251	1-19

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## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claims 7-9, 14-17 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

## Continuation of Box I.2

The expressions 'derivative' and 'analogue' in claims 1, 3 and 4 are considered to be unclear in the sense of Article 6 PCT as neither the extent of derivatisation nor the nature of analogy (functional, structural, etc.) has been specified.

Claims 1 and 6 relate to genera of compounds, namely 'alkylating agent', 'antimetabolite', 'spindle poison', 'vinca alkaloids, their synthetic or semi-synthetic analogues', 'antibiotic', 'enzyme', 'topoisomerase inhibitor', 'biological response modifier', and 'growth factor inhibitor', defined only by their function wherein the relationship between the structural features of the members of the genera and said function have not been defined.

In the absence of such a relationship either disclosed in the as-filed application or recognisable by one skilled in the art based upon information readily available, the skilled artisan would not know how to make and use compounds that lack a structural definition. Consequently an objection on lack of clarity in the sense of Article 6 PCT must be raised.

The search has been limited to pharmaceutical compositions comprising the compound of formula 1 or a pharmaceutically acceptable salt thereof in combination with at least one compound selected from the group of compounds specifically named in the claims or on pages 2-3 of the description, namely cyclophosphamide, isosfamide, melphalan, hexamethylmelamine, thiotepa, dacarbazine, 5-fluorouracil, cytarabine, 2-fluorodeoxycytidine, methotrexate, idatrexate, trimetrexate, estramustine, navelbine, vinblastine, vincristine, epidophyllotoxins (including etoposide and teniposide), daunorubicin, doxorubicin, bleomycins, mitomycin, L-asparaginase, camptothecin, CPT-11 (irinotecan), topotecan, platinum coordination complexes (including cisplatin and carboplatin), interferons, interleukins, procarbazine, and mitoxantrone.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

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Information on patent family members

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